

COMMUNITY MEETING REPORT
Petitioner: Boulevard Real Estate Advisors, LLC
Rezoning Petition No. 2020-042

This Community Meeting Report is being filed with the Office of the City Clerk and the Charlotte-Mecklenburg Planning Commission pursuant to the provisions of the City of Charlotte Zoning Ordinance.

PERSONS AND ORGANIZATIONS CONTACTED WITH DATE AND EXPLANATION OF HOW CONTACTED:

A representative of the Petitioner mailed a written notice of the date, time and virtual format of the Community Meeting (with instructions on how to request access to the virtual meeting) to the individuals and organizations set out on Exhibit A attached hereto by depositing such notice in the U.S. mail on September 24, 2020. A copy of the written notice is attached hereto as Exhibit B.

DATE, TIME AND LOCATION OF MEETING:

The Community Meeting was held via Zoom webinar on Monday, October 5, 2020 at 6:30 p.m.

PERSONS IN ATTENDANCE AT MEETING (see attached copy of sign-in sheet):

The following persons attended the Community Meeting: Shantel Robinson; Mr. and Mrs. Howie; Dan Dunn. The Petitioner's representatives at the Community Meeting were: Chris Branch and Michael Bender with Boulevard Real Estate Advisors, LLC; and Ty Shaffer with Robinson Bradshaw & Hinson.

SUMMARY OF ISSUES DISCUSSED:

The slides attached as Exhibit C were presented at the meeting. Copies of those slides will be made available on request, and also will be posted to the Planning Department's website on the page for this Petition.

Ty Shaffer welcomed everyone to the Community Meeting and introduced the Petitioner's representatives. Mr. Shaffer then provided the current schedule of events relating to this Rezoning Petition:

- Public Hearing—November 16, 2020
- Zoning Committee Work Session—December 1, 2020
- City Council Decision—December 21, 2020

He explained that the Public Hearing on November 16 is the opportunity for the public to speak in favor of or against the Petition. Mr. Shaffer noted that he expects these meetings to be conducted virtually, in light of the COVID-19 pandemic. He advised that those wishing to attend should confirm with the City the format of the meetings. Finally, he explained that these are the earliest dates on which each meeting could occur, and that if any meeting is deferred he will advise the attendees at the e-mail address they provided when requesting meeting attendance instructions.

Mr. Shaffer explained that the rezoning site is a 0.236 acre parcel located at the northwest corner of the end of Ellenwood Place. He noted the location of the site in proximity to S. Tryon St., South Blvd. and the Scaleybark Blue Line Station. Mr. Shaffer then showed aerial images of the parcel, which has been used as outdoor storage and parking for the adjacent industrial uses. The site does not contain any buildings.

The site is zoned R-5, which permits single-family homes at a density of up to 5 dwelling units per acre. The site is not currently being used for residential uses. The parcels to the south and southeast across Ellenwood Place are also zoned R-5. The parcels surrounding the site to the west and to the north have been rezoned over the past several years to TOD districts. These are districts that have been created to permit higher-density development in the proximity of Blue Line stations (in this case, Scaleybark Station).

Mr. Shaffer explained that the Petitioner is requesting that the parcel be rezoned to the O-1(CD) zoning district to accommodate a specific list of uses that would serve a development on the adjacent parcels. Those uses would be limited to: (1) off-street parking, (2) amenities for development on the adjacent parcels, and (3) dumpsters, trash and recycling areas. There will be no buildings on the parcel. The request is a conditional rezoning, meaning that the development of the site must conform to the approved rezoning plan and conditions agreed to by the Petitioner. Mr. Shaffer noted that the Petitioner is proposing a single access point to the parcel from Ellenwood Place, which would be restricted to emergency vehicles and to service and delivery vehicles (the latter only between 7 AM and 7 PM). He noted that the site must include buffers and screening as required by the Zoning Ordinance. He then reviewed the site plan.

Mr. Branch addressed the meeting, and noted that the parcel historically has been used by the adjacent fence company as a laydown yard and for parking of trucks and cars. He believes development of this site with the buffers and screening required by the Ordinance will improve the visual appearance of the parcel.

The Community Meeting was then devoted to a question, answer and comment session. Set out below is a summary of the responses to the questions as well as the comments and concerns that were expressed at the meeting.

- A neighbor asked how many vehicles will use the site. Mr. Shaffer noted that, other than emergency vehicles and service and delivery vehicles, no vehicles would be accessing the site via the Ellenwood Place driveway. As for the number of parking spaces, the Petitioner is unable to determine the number because, without knowing the buffers that will be required by the Ordinance, we do not know the size of any parking area. Mr. Branch noted that he believes the number of vehicles parking on the site would be less than the number that the fence company had been parking and storing on the site, because there was no obligation to devote any of the site to buffers.
- A neighbor asked why the Petitioner was rushing to have this site rezoned without knowing what would be developed on the adjacent TOD parcels. Mr. Branch said that the ability to use this site will determine what can be developed on the adjacent parcels.
- A neighbor noted that without knowing what will be built on those adjacent parcels, how will we know the type of trucks and traffic on Ellenwood Place? Mr. Branch noted that

the access will be limited to emergency vehicles and service and delivery vehicles. He added that 18-wheelers cannot make the turns necessary to access the proposed driveway; further, the Petitioner is willing to discuss including limitations on the size of trucks (except for emergency trucks) that can use the Ellenwood Place access.

- A neighbor expressed concern that using the site for dumpsters will require large trucks to utilize the access drive. Mr. Branch noted that he anticipated private collection for this site, and that the Petitioner was willing to consider limiting the size of garbage trucks that access the site from Ellenwood Place.
- The neighbor expressed his preference that the site not be used for dumpsters.
- A neighbor expressed concern about through traffic coming from Tryclan Drive to Ellenwood Place, and asked what would be done to stop through traffic. Mr. Branch noted that the Petitioner was committing to place signage on the site stating that only emergency vehicles and service and delivery vehicles can use the Ellenwood Place access drive. He noted that the Petitioner is open to considering ways to strengthen that prohibition.
- A neighbor asked how many multifamily units would be developed on the adjacent parcels fronting Tryclan Drive. Mr. Branch said he did not know the number, and added that multifamily is only one possible use permitted under the TOD-TR district. He reiterated the Petitioner's desire to prohibit day-to-day traffic from using the Ellenwood Place access drive.
- In response to a question about screening and noise barriers, Mr. Branch noted that the buffers would be landscaped/vegetated, and that including a fence is possible under the Ordinance. He said the Petitioner is willing to discuss including a fence, if that is something that the neighborhood was interested in seeing included on the site.
- A neighbor noted that a fence would be welcomed, as she is concerned about people walking from the development off of Tryclan Drive to the Blue Line through her property.
- A neighbor asked if the Petitioner would consider eliminating the entrance from Ellenwood Place to the parcel. Mr. Branch responded that there needs to be emergency vehicle access through this site, and that there is value to the developer in having service and delivery vehicle access through this parcel. He reiterated the Petitioner's willingness to consider limiting the size of trucks that access the site, and noted that the Petitioner was committing to limit the hours. The neighbor indicated that he would be able to support the request if the access was limited to emergency vehicles only.
- A neighbor asked about construction traffic using Ellenwood Place. Mr. Branch said that the Petitioner also was willing to place limits on construction traffic and access, such as requiring that the certain deliveries during construction utilize the Tryclan Drive construction access.
- A resident noted that she believes that the neighbors, and their concerns and desires, are not being considered. She thinks that the rezoning, if approved, would have a negative impact on the neighborhood. She asked if there is a way that the neighbors can push back against the request, or petition against it. Mr. Branch responded that neighbors can contact their District Representative, and also the Planning Department, to register their concerns.
- A neighbor asked about the impact of this petition on the tree canopy. Mr. Branch noted that the site must comply with the Tree Ordinance; he added that the Petitioner will be required to plant additional trees in the buffer that is required by the Ordinance. The site currently has very little tree cover, so he believes the development would actually result in an improvement over the current condition of the site.

- A neighbor asked about how the project would impact run off. Mr. Branch noted that the Petitioner would be required to capture and release storm water at the current rate, per Ordinance.
- A neighbor noted her concern that there would be cut-through traffic between Tryclan Drive and Ellenwood Place. She asked how the Petitioner proposed to manage and limit that access. Mr. Branch noted that the Petitioner is committing to putting up signs that prohibit the access, and that the Petitioner is willing to consider installing a gate if that is something that the neighborhood would like to see.
- A neighbor noted that she is not interested in seeing the development, at all, and that she is concerned about the amount of traffic this would create, making it more difficult to get out of driveways and to access adjacent streets. She does not support the Petition.
- A neighbor expressed her frustration that the preferences of the neighbors, some of whom are elderly, have not been considered. She believes the City and Planning Department do not seek input from residents or concern themselves with impacts on the community. She thinks that even with the hours of access limitation, there still will be negative impacts from service and delivery vehicle traffic. Mr. Branch reiterated the Petitioner's willingness to talk with the community and to work with neighbors on finding ways to address their concerns. He reiterated the Petitioner's willingness to consider fencing, a gate and changes in hours of service and delivery vehicle access.
- A neighbor noted that he would prefer not to see any delivery trucks access the site from Ellenwood Place. He believes properties in the neighborhood are appreciating, and he doesn't want that to be impacted by accommodations of the adjacent development. He restated his question regarding why the Petitioner was seeking this rezoning without knowing exactly what uses on the adjacent TOD parcels it would serve. Mr. Branch noted that regardless of the nature of that development, access from Ellenwood Place would be necessary for fire trucks and ambulances. He explained that the TOD-TR parcels fronting Tryclan Drive could be used for multifamily residential or as an office building. He explained that the Petitioner is not requesting access for industrial deliveries or distribution uses. An example would be if a resident in an apartment has a couch delivered, or office supplies are being delivered. He again noted that Petitioner is willing to consider size and other limitations on the trucks accessing the site to address neighbors' concerns.
- A neighbor noted that the City needs to consult with the neighbors about this Petition, and is concerned that the neighborhood is slowly disappearing. She expressed desire to see the neighborhood provide feedback to the City. Mr. Branch noted that the Petitioner is required to submit a report of the Community Meeting and that it will faithfully recite the concerns expressed by neighbors about the Petition.
- In response to a question, Mr. Branch explained that the adjacent parcels fronting Tryclan Drive already have been rezoned to the TOD-TR zoning district, and that the request in Petition 2020-042 does not seek any change in that zoning. He also explained that the proposal is not to create a through street or direct road access from Tryclan Drive to Ellenwood Place.
- A neighbor asked about on-street parking or overnight truck parking at the site and Mr. Branch explained that this was not being requested by the Petitioner.

Mr. Dunn (owner of 3709 Ellenwood Place) and Ms. Robinson (owner of 3712 Ellenwood Place), asked that this Community Meeting Report note that they are opposed to this Rezoning Petition.

Mr. Shaffer thanked the attendees for participating, and advised that he was happy to answer any questions that arise after the Community Meeting. The meeting was then adjourned.

CHANGES MADE TO THE PETITION AS A RESULT OF THE COMMUNITY MEETING AS OF THE DATE HEREOF:

No changes have been made to the rezoning plan or to the Rezoning Petition as of the date of this Community Meeting Report solely as a result of the Community Meeting.

Respectfully submitted, this 9th day of October, 2020.

Boulevard Real Estate Advisors, LLC, Petitioner

cc: Claire Lyte-Graham, Charlotte Planning, Design and Development Department (via email)

EXHIBIT A

2020-042	TAXPID	OWNERLASTN	OWNERFIRST	COWNERFIRS	COWNERLAST	MAILADDR1	MAILADDR2	CITY	STATE	ZIPCODE
2020-042	14901207	FORBES PROPERTIES, LLC				3615 TRYCLAN DRIVE		CHARLOTTE	NC	28217
2020-042	14901208	BAR - LOSO LLC			C/O BEACON PARTNERS	500 E MOREHEAD ST STE 200		CHARLOTTE	NC	28202
2020-042	14901209	BATTERY & IGNITION DIST				3631 TRYCLAN DR		CHARLOTTE	NC	28217
2020-042	14901211	BOULEVARD AT 3605 S TRYON LLC				2100 HASTINGS DR		CHARLOTTE	NC	28207
2020-042	14901212	BOULEVARD AT 3605 S TRYON LLC				2100 HASTINGS DR		CHARLOTTE	NC	28207
2020-042	14901213	BLVD AT 3605 S TRYON LLC				2100 HASTINGS DR		CHARLOTTE	NC	28207
2020-042	14901214	BOULEVARD AT 3605 S TRYON LLC				2100 HASTINGS DR		CHARLOTTE	NC	28207
2020-042	14901215	BOULEVARD AT 3605 S TRYON LLC				2100 HASTINGS DR		CHARLOTTE	NC	28207
2020-042	14901216	BOULEVARD AT 3605 S TRYON LLC				2100 HASTINGS DR		CHARLOTTE	NC	28207
2020-042	14901217	MORROW	KAREN MELISSA			320 YORKSHIRE DR		CHARLOTTE	NC	28217
2020-042	14901218	HOLIT	DAVID L	GWENNETTE	MOORE-HOLIT	3827 ELLENWOOD PL		CHARLOTTE	NC	28217
2020-042	14901219	MCCLURE	GEORGE S			310 YORKSHIRE DR		CHARLOTTE	NC	28210
2020-042	14901220	HUTCHINS	PATRICK C			3718 ELLENWOOD DR		CHARLOTTE	NC	28217
2020-042	14901221	ROBINSON	SHANTEL L			901 SHARVIEW CR UNIT 538		CHARLOTTE	NC	28217
2020-042	14901222	CERBERUS SFR HOLDINGS LP				1850 PARKWAY PLACE	SUITE 900	MARIETTA	GA	30067
2020-042	14901223	PRESSON PROPERTIES LLC				102 FARM KNOLL WY		MOORESVILLE	NC	28117
2020-042	14901224	HOWIE	SYLVIA			3701 ELLENWOOD PL		CHARLOTTE	NC	28217
2020-042	14901225	DUNN	DANNY F	JENNIFER	DUNN	5409 BEVINGTON PL		CHARLOTTE	NC	28277
2020-042	14901226	MAKRIGIANNIS	PANAGIOTIS			3715 ELLENWOOD PL		CHARLOTTE	NC	28217
2020-042	14901227	HARGRO	ANDREW	CAROLYN L	HARGRO	3721 ELLENWOOD PL		CHARLOTTE	NC	28210
2020-042	14901228	COOK	TANGELA GATES			3727 ELLENWOOD PLACE		CHARLOTTE	NC	28217
2020-042	14901241	BOULEVARD AT 3605 S TRYON LLC				2100 HASTINGS DR		CHARLOTTE	NC	28207
2020-042	14901247	THE CITY OF CHARLOTTE			ATTN: CHARLOTTE WATER OLD CITY HALL	600 E FOURTH ST		CHARLOTTE	NC	28202

2020-042	ORGANIZATION_NAME	FIRST_NAME	LAST_NAME	STREET_ADDRESS	UNIT_NUM	CITY	STATE	ZIP
2020-042		Dorothy	Stowe	3412 Griffith Street		Charlotte	NC	28203
2020-042		Janet	Garner-Mullins	1014 Comstock Drive		Charlotte	NC	28217
2020-042		RJ	J Harvey	1117 Rollingwood Drive		Charlotte	NC	28217
2020-042		Wayne	Crowe	925 Homewood Place	<Null>	Charlotte	NC	28217
2020-042	1983	Nicole	Frambach	3325 Anson St	<Null>	Charlotte	NC	28209
2020-042	Bethlehem Center's OST	Willie M.	Burton	2704 Baltimore Avenue	<Null>	Charlotte	NC	28203
2020-042	Brightwalk HOA	Kim	Graham	4601 Charlotte Park Drive	Ste. 350	Charlotte	NC	28217
2020-042	Charlotte Mecklenburg Housing Partnership	Deborah	Clark	4601 Charlotte Park Drive, Suite 350	<Null>	Charlotte	NC	28217
2020-042	Clanton Park Community Neighborhood Association	Brenda	Campbell	3339 Barfield	<Null>	Charlotte	NC	28217
2020-042	Clanton Park Community Neighborhood Association	Charese	Baker	925 Homewood Place	<Null>	Charlotte	NC	
2020-042	Clanton Park Community Neighborhood Association	Cynthia	Ward	912 Homewood Pl.	<Null>	Charlotte	NC	28217
2020-042	Clanton Park Community Neighborhood Association	Tena	Armstrong	3332 Graymont Dr	<Null>	Charlotte	NC	28217
2020-042	Colonial Village Neighborhood Association	Alan	Amery	3831 Moultrie St	<Null>	Charlotte	NC	28209
2020-042	Colonial Village Neighborhood Association	Alison	Hall	3624 Trent St	<Null>	Charlotte	NC	28209
2020-042	Colonial Village Neighborhood Association	Carl	Swift	825 Hartford Av	<Null>	Charlotte	NC	28209
2020-042	Colonial Village Neighborhood Association	Ian	Rae	1201 Hartford Ave	<Null>	Charlotte	NC	28209
2020-042	Colonial Village Neighborhood Association	Lisa	Yarrow	408 Webster Pl	<Null>	Charlotte	NC	28209
2020-042	Colonial Village Neighborhood Association	Michelle	Taylor	3732 Conway Ave.	<Null>	Charlotte	NC	28209
2020-042	Colonial Village Neighborhood Association	Peter	Yarborough	501 Webster Place	<Null>	Charlotte	NC	28209
2020-042	Coulwood Community Council	Louis	Scarnecchia	1416 Hartford Av	<Null>	Charlotte	NC	28209
2020-042	Sedgefield Neighborhood Association	Ann	King	420 Marsh Rd	<Null>	Charlotte	NC	28209
2020-042	Sedgefield Neighborhood Association	Jeanne	Woosley	326 Marsh Rd	<Null>	Charlotte	NC	28209
2020-042	Sedgefield Neighborhood Association	Katie	Zender	3221 Mayfield Av	<Null>	Charlotte	NC	28209
2020-042	Sunset Hills Neighborhood Association	Marcel	Dawspm	525 Atherton St	<Null>	Charlotte	NC	28203

EXHIBIT B

**NOTICE TO INTERESTED PARTIES
OF COMMUNITY MEETING**

Subject: Community Meeting – **Rezoning Petition No. 2020-042** filed by Boulevard Real Estate Advisors, LLC to request the rezoning of an approximately 0.236 acre site located on Ellenwood Place, east of S. Tryon Street, south of Tryclan Drive, and west of Dewitt Lane, from the R-5 zoning district to the O-1(CD) zoning district

**Date and Time
of Meeting:** Monday, October 5, 2020 at 6:30 p.m.

Place of Meeting: **See Below for Information on How to Access the Virtual Community Meeting**

We are assisting Boulevard Real Estate Advisors, LLC (the “Petitioner”) in connection with a Rezoning Petition it has filed with the Charlotte-Mecklenburg Planning Department requesting rezoning of an approximately 0.236 acre site located on Ellenwood Place, east of S. Tryon Street, south of Tryclan Drive, and west of Dewitt Lane, from the R-5 zoning district to the O-1(CD) zoning district. As will be explained at the Community Meeting, the purpose of this rezoning request is to accommodate certain uses permitted in the O-1 zoning district that will serve uses located on adjacent parcels.

The Petitioner will hold a virtual Community Meeting prior to the Public Hearing on this Rezoning Petition for the purpose of discussing this rezoning proposal with nearby property owners and organizations. The Charlotte Planning, Design & Development Department’s records indicate that you are either a representative of a registered neighborhood organization or an owner of property that adjoins, is located across the street from, or is near the site.

Accordingly, on behalf of the Petitioner, we invite you to participate in the virtual Community Meeting regarding this Rezoning Petition to be held on Monday, October 5, 2020 at 6:30 p.m. **Area residents and representatives of area organizations who would like to participate in the virtual Community Meeting must email their personal email addresses to dhuffman@robinsonbradshaw.com to receive an electronic invitation and link to the virtual Community Meeting.** If you do not have access to the internet or cannot otherwise participate in the virtual Community Meeting and you would like a hard copy of the presentation mailed to you, please contact Ty Shaffer at the phone number below.

Once you log into the virtual Community Meeting, a presentation regarding the Rezoning Petition will be provided. After the presentation, attendees will have an opportunity to ask questions.

The presentation will also be available on-line for review for a period of at least 10 days after the virtual Community Meeting. The presentation will be posted on the Planning Department’s webpage for this Rezoning Petition (Rezoning Petition No. 2020-042), and the link to this webpage is: <https://charlottenc.gov/planning/Rezoning/RezoningPetitions/2020Petitions/Pages/2020-042.aspx>. You can also continue to contact us with questions after the Community Meeting.

Representatives of the Petitioner look forward to sharing this rezoning proposal with you and to answering your questions.

In the meantime, should you have any questions or comments, please call Ty Shaffer at (704) 377-8142 or email Ty Shaffer at tshaffer@robinsonbradshaw.com.

Thank you.

Robinson, Bradshaw & Hinson, P.A.

cc: Ms. Victoria Watlington, Charlotte City Council District 3 (via email)
Ms. Claire Lyte-Graham, Charlotte Planning, Design & Development Department (via email)

Date Mailed: September 24, 2020

EXHIBIT C

Rezoning Petition No. 2020-042

Boulevard Real Estate Advisors, LLC,
Petitioner

Community Meeting

October 5, 2020

ROBINSON
BRADSHAW

Charlotte : Research Triangle : Rock Hill
robinsonbradshaw.com

Development Team

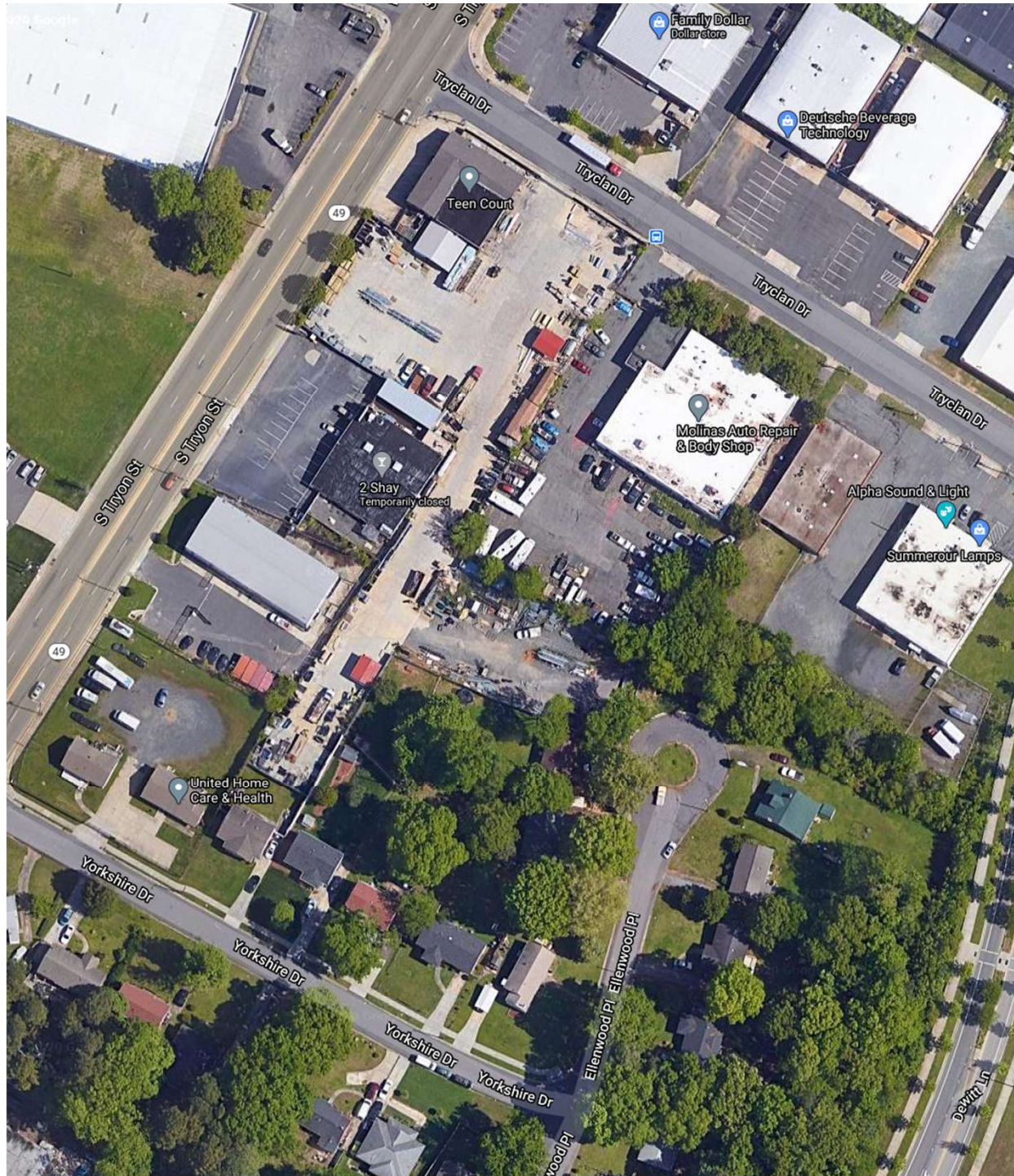
- Chris Branch, Boulevard Real Estate Advisors, LLC
- Michael Bender, Boulevard Real Estate Advisors, LLC
- Ty Shaffer, Robinson, Bradshaw & Hinson

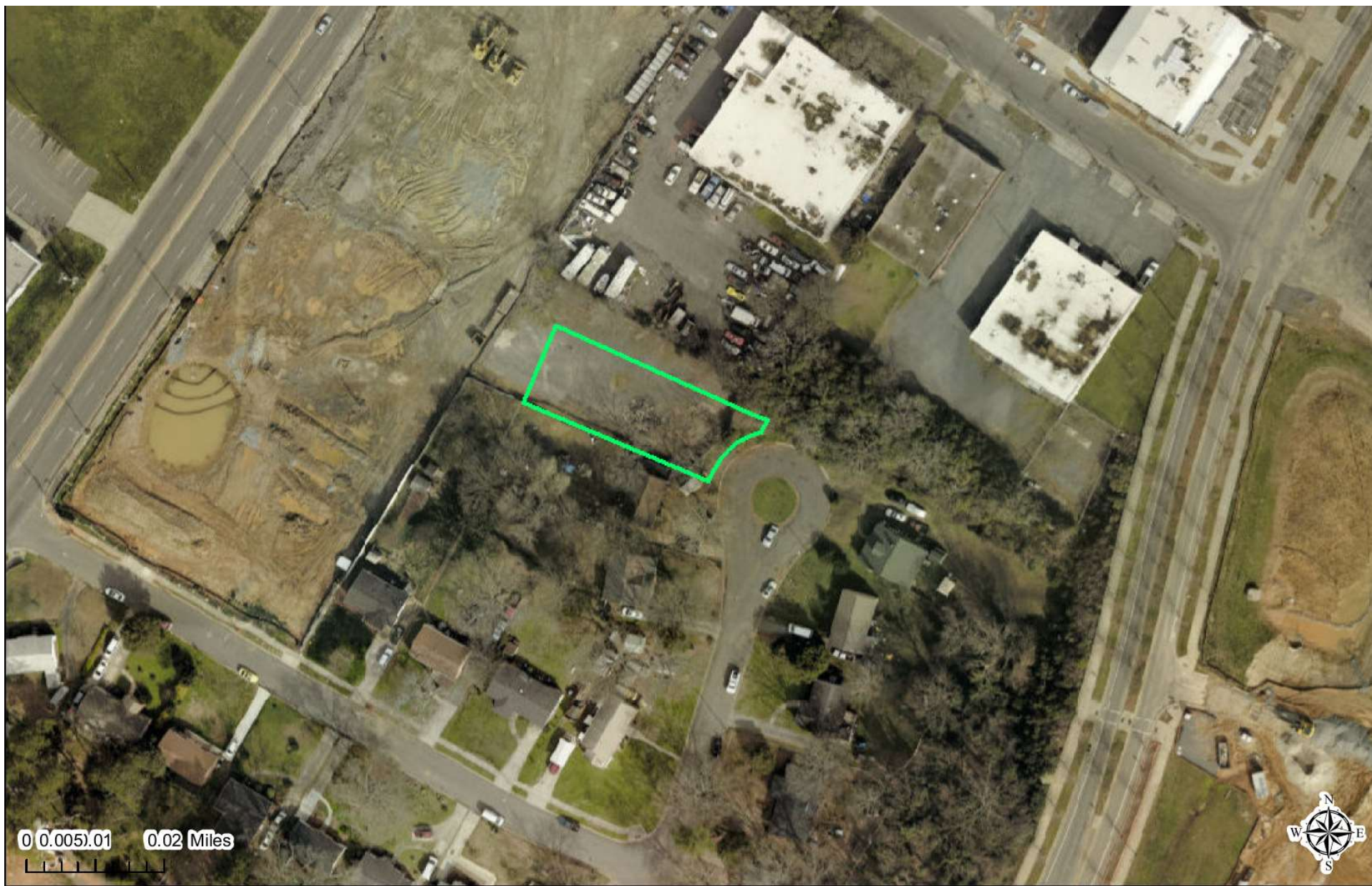
Rezoning Schedule

- Public Hearing: Monday, November 16, 2020 at 5:00 PM at the Charlotte-Mecklenburg Government Center
- Zoning Committee: Tuesday, December 1, 2020 at 5:30 PM at the Charlotte-Mecklenburg Government Center
- City Council Decision: Monday, December 21, 2020 at 5:00 PM at the Charlotte-Mecklenburg Government Center

Site – 0.236 Acres



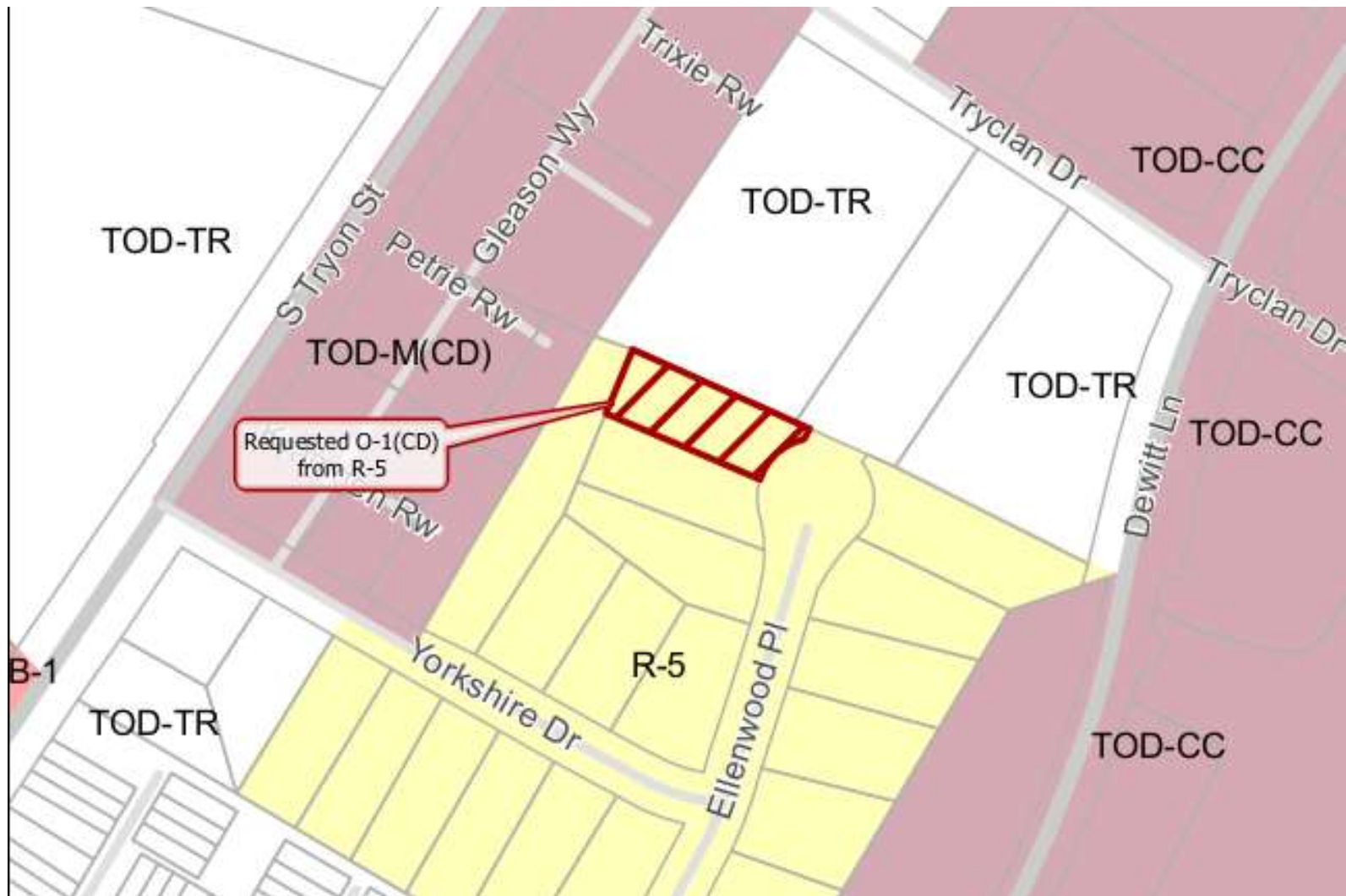




0 0.005 0.01 0.02 Miles



Existing Zoning



Rezoning Request

Requesting that the site be rezoned to the O-1 (CD) zoning district.

The request is to allow defined uses that would serve development on the adjacent parcels.

Rezoning Request

- Off-street parking
- Amenities (such as swimming pool and pool house; a dog walk area; a park or open space area; seating, pergolas and shade screens; and similar uses)
- Dumpsters, trash and recycling handling areas

These uses would serve the improvements and uses on adjacent parcels (i.e. be a part of that development).

Rezoning Request

- Access point from Ellenwood Place to be reserved for emergency vehicles and for service and delivery vehicles. Service and delivery vehicles may only access the site between 7:00 am and 7:00 pm.
- Site will be buffered along its southern and western property lines as required by the Zoning Ordinance.
- The site will be screened from Ellenwood Place as may be required by the Zoning Ordinance.

**PRESSON PROPERTIES
LLC**
D.B. 32034, PG. 691
TRYCLAN INDUSTRIAL PARK
M.B. 12, PG. 129
PIN: 149-012-12
ZONING: TOD-M(CD)

KAREN MELISSA MORROW
D.B. 26350, PG. 421
LOT 7, BLOCK B
FREELAND PARK
M.B. 1698, PG. 477
P.W. 149-012-17
ZONING: R-5

PRESSON PROPERTIES LLC
D.B. 33814, PG. 362
LOT 13, BLOCK B
FREELAND PARK
M.B. 1698, PG. 477
PIN: 149-012-23
ZONING: R-5
ACRES: 0.236

CERBERUS SFR
HOLDINGS LP
D.B. 32482, PG. 677
LOT 12, BLOCK B
FREELAND PARK
M.B. 1698, PG. 477
PIN: 149-012-22
ZONING: R5

**BATTERY & IGNITION
DISTRIBUTORS INC.**
D.B. 6112, PG. 743
LOT 10 & 11, BLOCK B
TRYCLAN INDUSTRIAL PARK
M.B. 12, PG. 129
PIN: 149-012-09
ZONING: T00-T1

**BIN-SCALEYBARK
LLC**
D.B. 33226, PG. 6
LOT 9, BLOCK B
TRYCLAN INDUSTRIAL PARK
M.B. 11, PG. 247
PW: 149-012-08
ZONING: TOU-TU

ACCESS ON ELLENWOOD PLACE WILL
COMPLY WITH CDOT/CITY OF
CHARLOTTE REQUIREMENTS. SEE NOTE
#3 OF DEVELOPMENT STANDARDS.

ELLENWOOD PL.

Questions